

# **Joint Commission on Health Care**

## **Regulation of Naturopaths**

**House Bill 2487 (2011) – Delegate Terry G. Kilgore**

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## **Agenda**

- ❖ Background
- ❖ Naturopathic Physician Training
- ❖ Regulation in Other States
- ❖ Virginia Board of Health Professions  
Naturopath Study (2005)
- ❖ Elements of HB 2487
- ❖ Policy Options

## Background: HB 2487 Referred to JCHC by HWI

- ❖ HB 2487 introduced by Delegate Kilgore in 2011, would require the Board of Medicine to license and regulate naturopath. The bill amends Title 54.1, Chapter 29 of the *Code of Virginia*:
  - Defines a naturopath as “an individual, other than a doctor of medicine, osteopathy, chiropractic, or podiatry, who may diagnose, treat, and help prevent diseases using a system of practice that is based on the natural healing capacity of individuals, using physiological, psychological, or physical methods, and who may also use natural medicines, prescriptions, legend drugs, foods, herbs, or other natural remedies, including light and air.”
  - Broadly defines scope of practice for naturopaths.
- ❖ HB 2487 was left in the House Committee on Health, Welfare and Institutions (HWI)
  - JCHC was requested to review the bill.

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## Background: Five Previous Bills Introduced to License Naturopaths in Virginia

The bills would have allowed licensed naturopaths to practice as medical professionals with no supervision requirements.

### *Previous Naturopath Legislation*

Session	Bill #	Patron	Outcome
2005	HB 2488	Del. Peterson	Tabled in H.W.I. and sent to the Board of Health Professions for study
2006	HB 1389	Del. Philips	Continued in H.W.I. & left in H.W.I. the next year
2006	SB 517	Sen. Puckett	Continued in Ed. and Health and left in Ed. and Health the next year
2008	HB 784	Del. Kilgore	Continued in H.W.I. & left in H.W.I. the next year
2009	HB 1820	Del. Kilgore	Left in H.W.I.

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## Background: Naturopathy's Underlying Principles

1. **First do no harm.** Try to minimize harmful side effects and avoid suppression of symptoms.
2. **Physician as teacher.** Educate patients and encourage them to take responsibility for their own health.
3. **Treat the whole person.** Consider all factors (e.g., physical, mental, emotional, spiritual, genetic, environmental, social) when tailoring treatment to each patient.
4. **Prevention.** Assess risk factors and, in partnership with patients, make appropriate interventions to prevent illness.
5. **Healing power of nature.** Seek to identify and remove obstacles to the body's natural processes for maintaining and restoring health.
6. **Treat the cause.** Focus on the causes of a disease or condition, rather than its symptoms.

Source: National Center for Complementary and Alternative Medicine:  
Backgrounder Naturopathy Introduction at  
<http://nccam.nih.gov/health/naturopathy/naturopathyintro.htm#underlying>.

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## Background: Two Groups of Naturopaths

### ❖ Traditional Naturopaths (TNs)

- No standard professional educational requirements.
- Training programs vary from non-degree certificate program to doctoral programs.
- Role is to educate and support the health of clients through non-invasive means.
  - TNs do not diagnose, treat conditions, perform surgery
- Titles used: Naturopath, Classical Naturopath, Nature Care Practitioner
- Number Practicing in Virginia: Unknown

### *Examples of Individuals Who May Be Considered to Practice in Natural Health Areas*

- |  |  |
|--|--|
| ▪ Herbalists                             | ▪ Homeopaths                                 |
| ▪ Certified Natural Health Professionals | ▪ Health/Life Coaches                        |
| ▪ Dietitians (Certified, Registered)     | ▪ Certain Health Food/Retail Store Employees |
| ▪ Nutritionists                          | ▪ Certain Native Americans                   |
| ▪ Aromatherapists                        | ▪ Massage Therapists                         |
| ▪ Iridologists                           | ▪ Bodywork Practitioners                     |
| ▪ Acupuncturists/Acupressurists          | ▪ Reiki Practitioners                        |

Source: JCHC interview and email correspondence with John and Becky Hanks representing Virginians for Health Freedom.

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## Background: Two Groups of Naturopaths

*(continued)*

### ❖ Naturopathic Physicians (NaPs)

- Graduates of a four-year, graduate-level naturopathic medical school accredited by an organization recognized by the U.S. Department of Education
- Statutes in other states define NaP role in various ways ranging from primary care to promoting wellness
- Titles used: Naturopath, Medical Naturopath, Naturopathic Doctor, or Doctor of Naturopathy
- Estimated number in Virginia: 10-12

Source: Virginia Department of Health Professions, Study into the Need to Regulate Naturopaths in Virginia, (2005).

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## NaP Training: Medicine and Practice

- ❖ “Naturopathic physicians work with their patients to prevent and treat acute and chronic illness and disease, restore health and establish optimal fitness by supporting the person's inherent self-healing process, the vis medicatrix naturae. This is accomplished through:
  - **Prevention:** Prevention of disease is emphasized through public health measures and hygiene as well as the encouragement and guidance of persons to adopt lifestyles which are conducive to optimal health.
  - **Diagnosis:** Diagnosis and evaluation of the individual's state of health are accomplished by integrated modern and traditional, clinical and laboratory diagnostic methods.
  - **Treatment and Care:** Therapeutic methods and substances are used which work in harmony with the person's inherent self-help process, the vis medicatrix naturae, including: dietetics and nutritional substances, botanical medicine, psychotherapy, naturopathic physical medicine including: naturopathic manipulative therapy, minor surgery, prescription medications, naturopathic obstetrics (natural childbirth), homeopathy, and acupuncture.”

Source: American Association of Naturopathic Physicians website at <http://www.naturopathic.org/content.asp?pl=16&sl=59&contentid=59>

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## NaP Training: Education

- ❖ 2 years of Graduate Level Didactic
- ❖ 2 years Graduate Level Clinical
  - Average Clinical – 2,800 Hours
- ❖ Graduate training includes:
  - Pharmacology – 100 hours
  - Nutrition – 130 hours
  - Botanical Medicine – 110 hours
  - Chinese Medicine – 160 hours
- ❖ Residency is not required.

See Appendix for additional information on graduate level training

Source: American Association of Naturopathic Physicians, *Naturopathic Medicine: A Comprehensive Review of the Naturopathic Profession*, February 2012.

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## NaP Training: Education Comparisons

### Education and Training of Health Practitioners in Virginia

	M.D. & D.O.	Physician Assistant	Nurse Practitioner	Naturopathic Physician
<b>Length of graduate level education</b>	4 years (90 credit hours) + residency and fellowship	16 to 27 months (82 to 92 credit hours)	Family NP: 2 years (46-52 credit hours) NDP (post-MSN): extra 2 years for a total of 4 years	4 years
<b>Post-graduate residency and fellowship</b>	Range from 3 to 7 years (varies by specialty)	No uniform residency requirements	Virginia schools have no residency requirements	No uniform residency requirements
<b>Total patient care hours required throughout training</b>	12,000 to 16,000	4 semesters of clinical rotations	500 (MSN) or 1,000 (DNP)	850

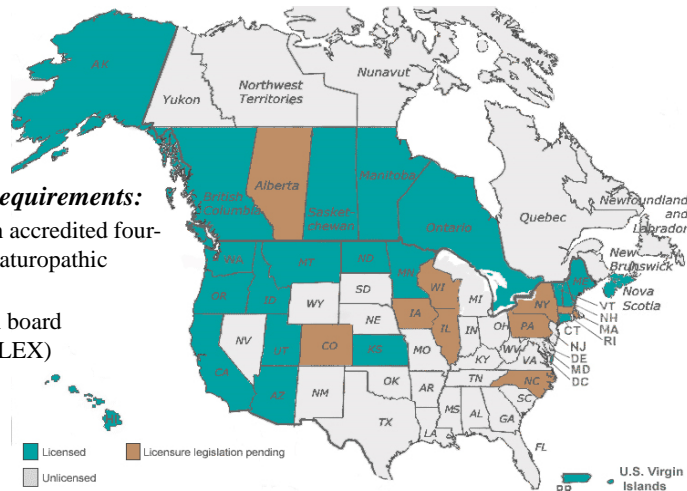
Source: Medical Society of Virginia's Issue Backgrounder. Note source document notes NaP as Naturopathic "physician".

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## NaP Regulation: 16 States License NaPs

### ❖ Typical licensure requirements:

1. Graduate from an accredited four-year residential naturopathic medical school
2. Pass postdoctoral board examination (NPLEX)



Source Naturopathic Physicians, Association of Accredited Naturopathic Medical Colleges website <http://www.aanmc.org/>, and Virginia Department of Health Professions, Study into the Need to Regulate Naturopaths in Virginia, (2005).

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## NaP Regulation: Scope of Practice Laws in Other States

### ❖ Regulating states typically allow:

- Dietetics - the practical application of diet in relation to health and disease.
- Hydrotherapy - the use of water (hot, cold, steam, or ice) to relieve discomfort and promote physical well-being.
- Physiotherapy - the treatment of disease, bodily defects, or bodily weaknesses by physical remedies, such as massage, special exercises, etc., rather than by drugs.
- Electrotherapy - medical therapy using electric currents

### ❖ Regulating states vary regarding:

- Obstetrics
- X-ray
- Minor surgery
- Prescriptive authority

Source: State of Colorado, Department of Regulatory Agencies: 2008 Sunrise Review and definitions from thefreedictionary.com'.

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## 2005 Board of Health Professions (BHP) Review: Naturopath History

- ❖ In the early 1900s, states commonly regulated the practice of naturopathy, but “significant growth of more scientific (‘allopathic’) medicine” and standardized curricula “contributed to the closing of many naturopathic schools and, by mid-20<sup>th</sup> century, to deregulation.”
  - Virginia stopped issuing new licenses in 1980.”
- ❖ “Various disciplines of alternative and complementary medicine are not firmly distinguished from one another.”
- ❖ Some naturopathic modalities have been scientifically studied and proven to be effective for pain relief and improving physical functioning (e.g. acupuncture, physiotherapy, chiropractic and exercise.)
  - Naturopathy as a system of medicine has not been reviewed.

Source: Board of Health Professions' *Study into the Need to Regulate Naturopaths in Virginia*, September 8, 2005.

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## 2005 BHP Review: Arguments for NaP Regulation

1. Allow public access to NaPs that can practice up to their level of training.
  - NaPs aim is to “support wellness and prevent disease and also address routine, minor illness or injury with naturopathic skill supplemented with allopathic methods.”
  - While NaPs can practice in Virginia to some degree of their training, they are not allowed to prescribe labs, perform minor surgery, obstetric care, or prescribe drugs.
2. Distinguish NaPs from TNs to the public.
  - Unlike NaPs, TNs have no standard education requirements

Source: Board of Health Professions' *Study into the Need to Regulate Naturopaths in Virginia*, September 8, 2005.

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## 2005 BHP Review: Arguments Against Regulation

1. Regulation will allow the NaPs a State-sanctioned market advantage over TNs
2. Depending on how a bill is drafted:
  - The practice of traditional naturopathy could become illegal without a NaP license.
  - The term “naturopath” could be reserved only for NaPs.
3. NaPs can currently work in Virginia and provide information on natural supplements, vitamins, diet, lifestyle, etc without a change in the law.
  - If NaPs pose no risk to public health, why regulate?
4. NaPs should not be allowed to be a “primary care physician diagnosing and treating diseases, injuries and other health conditions using prescription drugs and surgery without the medical background that should include hospital internships, residencies, with traditional allopathic and osteopathic medical school training.”

Source: Board of Health Professions' *Study into the Need to Regulate Naturopaths in Virginia*, September 8, 2005.

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## 2005 BHP Review: Board Did Not Recommend Regulation

- ❖ The 2005 study by the Board of Health Professions found evidence of harm attributable to naturopaths was insufficient
  - “No known injuries or complaints about care found in Virginia.”
  - Disciplinary findings against naturopathic physicians rare in other states; no malpractice cases found.
  - *Conclusion:* Professional regulation of naturopaths unwarranted because the “risk of harm” criteria for licensure could not be met. Instances of individuals harmed by “naturopaths” in other states apparently involved “unscrupulous, incompetent practitioners” who were not naturopathic physicians. Furthermore, licensing naturopathic physicians would not provide additional protections not already covered under Virginia’s criminal statutes regarding “the unlicensed practice of any regulated health profession.”

See Appendix for BHP key questions  
regarding naturopath regulation

Source: Board of Health Professions' *Study into the Need to Regulate Naturopaths in Virginia*, September 8, 2005, p. iii.

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## HB 2487: Highlights

- ❖ Requires the Board of Medicine to license and regulate NaPs as independent practitioners. A naturopathic physician may:
  1. Order and perform physical and laboratory examinations...
  2. Order diagnostic imaging studies...
  3. Dispense, administer, order, and prescribe certain substances
  4. Utilize oral, anal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, and intramuscular routes of administration...
  5. Perform those therapies as trained, educated, and approved by the Board.
- ❖ Advisory Board on Naturopathy is created to established to formulary for use by naturopathic physicians

See Appendix for additional scope of practice information

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## HB 2487: Highlights (continued)

- ❖ Naturopathic Physician requirements for licensure:
  1. Graduation from (i) a naturopathic medical education program that offers graduate-level, full-time didactic and supervised clinical training
  2. Successful completion of a competency-based national naturopathic medicine licensing examination administered by an agency recognized by the Board.
- ❖ Restricts practice of naturopathy to only licensed NaPs
  - Exceptions: TN practice activities would be limited to “providing information” about vitamins and herbs.
- ❖ Restricts the ability for non-licensed individuals to use the term “naturopath”

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## **HB 2487: Proponent Arguments for Regulation**

1. NaPs can help remedy Virginia's shortage of primary care physicians
2. NaPs complete a 4-year accredited medical school
3. NaPs emphasize prevention, which can be a cost-effective type of health care.
4. Without regulation, NaPs are not allowed to practice up to their level of training.
5. Naturopathy is unregulated in Virginia and any individual can present himself/herself as a "naturopath."

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## **HB 2487: Opponent Arguments Against Regulation**

1. NaPs do not have the requisite education and training to provide the same level and quality of care as a physician to practice independently.
  - NaPs are not required to participate in a supervised residency program, like M.D.s and D.O.s
2. NaPs are not sufficiently trained to prescribe medications.
3. Medical efficacies of the treatment modalities by NaPs are unproven.

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## HB 2487: Opponent Arguments Against Regulation (continued)

4. The practice of traditional naturopathy could become illegal without a NaP license.
5. The term “naturopath” could be reserved only for NaPs.
6. If NaPs are regulated it may negatively impact the market that traditional naturopaths serve. A government-bestowed license may:
  - Sway some individuals towards a NaP instead of a traditional naturopath.
  - Impact market dynamics if NaP services were to be reimbursed by insurance.

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## Policy Options

**Option 1:** Take no action.

**Option 2:** Introduce legislation amending Title 54.1, Chapter 29 of the *Code of Virginia* to direct the Board of Medicine to promulgate regulations for the licensure of the “naturopathic physician” as an independent practitioner.

- Includes the scope of practice and prescriptive authority as defined in HB 2487.
- Limits unlicensed individuals from:
  - Claiming to be a “naturopath,” and
  - Practicing naturopathy.

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## Policy Options

**Option 3:** Introduce legislation amending Title 54.1, Chapter 29 of the *Code of Virginia* to direct the Board of Medicine to promulgate regulations for the licensure of the “naturopathic physician” as an independent practitioner.

1. Licensure:
  - a. Graduate from an accredited four-year residential naturopathic medical school
  - b. Pass postdoctoral board examination (NPLEX)
  - c. Meet continuing education requirements (30 hours annually)
2. Includes the scope of practice and prescriptive authority as defined in HB 2487.

**Note:** HB 2487 addressed issues other than “naturopathic physician” licensure. Options 3 & 4 are limited to only NaP licensure and scope of practice. These options are not intended to address unlicensed NaPs or TNs. Therefore, both options include specific allowances for the continuation of:

1. Unlicensed individuals claiming to be a “naturopath” and
2. Unlicensed NaPs or TNs continuing to legally practice as they have been.

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## Policy Options

**Option 4:** Introduce legislation amending Title 54.1, Chapter 29 of the *Code of Virginia* to direct the Board of Medicine to promulgate regulations for licensure of the “medical naturopath.” The regulations would include requirements for:

1. Licensure:
  - a. Graduate from an accredited four-year residential naturopathic medical school
  - b. Pass postdoctoral board examination (NPLEX)
  - c. Meet continuing education requirements (30 hours annually)
2. Supervision
  - Medical naturopaths (MNs) are required to practice under the direct supervision of licensed Doctor of Medicine or Osteopathic Medicine.
3. Scope of Practice
  - Supervising physician works with the medical naturopath to establish the MN’s scope of practice.
    - Delegated in a manner consistent with sound medical practice and the protection of the health and safety of the patient, including recommending non-prescription drugs.
    - Set forth in a written practice supervision agreement and may include health care services which are educational, diagnostic, therapeutic, preventive or involve treatment.

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## Public Comment

- ▶ Written public comments on the proposed options may be submitted to JCHC by close of business on October 26, 2012.
- ▶ Comments may be submitted via:
  - E-mail: [sreid@jchc.virginia.gov](mailto:sreid@jchc.virginia.gov)
  - Fax: 804-786-5538
  - Mail: Joint Commission on Health Care  
P.O. Box 1322  
Richmond, Virginia 23218
- ▶ Comments will be summarized and included in the Decision Matrix which will be discussed during the November 7<sup>th</sup> meeting.

▶ Website – <http://jchc.virginia.gov>

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## Appendix

## NaP Training: Education

- ❖ **Years 1 and 2:** Curriculum focuses on basic and clinical sciences and diagnostics, covering:
  - Anatomy, Biochemistry, Human physiology, Histology, Human pathology, Immunology, Macro- and microbiology, Neuroscience and Pharmacology
- ❖ **Years 3 and 4:** Internship in supervised clinical settings, learning various therapeutic modalities including:
  - Botanical medicine, Clinical nutrition, Counseling, Homeopathy, Laboratory & clinical diagnosis, Minor surgery, Naturopathic physical medicine, and Nutritional science

Source: Association of Accredited Naturopathic Medical Colleges  
website at <http://www.aanmc.org/education/academic-curriculum.php>.

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## 2005 BHP Review: Key Questions to Determine the Need to Regulate NaPs

1. What is the potential risk for harm to the consumer?
2. What specialized skills and training do naturopaths possess?
3. To what degree is independent judgment required in their practices?
4. Is their scope of practice distinguishable from other regulated occupations and professions?
5. What would the economic impact to the public if this group were regulated?
6. Are there alternatives other than state regulation of this occupation which would adequately protect the public?
7. Finally, if it is determined that this occupation requires state regulation, what is the least restrictive level this is consistent with the public's protection?

Source: Board of Health Professions' *Study into the Need to Regulate Naturopaths in Virginia*, September 8, 2005, p. 2.

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## **HB 2487: NaP Scope of Practice -Allowed Activities\***

A naturopathic physician “may:

1. Order and perform physical and laboratory examinations...
2. Order diagnostic imaging studies...
3. Dispense, administer, order, and prescribe or perform...[botanicals, dietary supplements, and nonprescription drugs, as well as prescription substances as determined by regulatory board], hot or cold hydrotherapy, naturopathic physical assessment and medicine, electromagnetic energy, and therapeutic exercise, devices, health education and health counseling, minor surgical procedures...and musculoskeletal physical assessment and treatment...
4. Utilize oral, anal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, and intramuscular routes of administration...
5. Perform those therapies as trained, educated, and approved by the Board.”

\*Many of the allowed activities are qualified by the phrase “consistent with naturopathic education and training.” Furthermore, performing minor surgical procedures and utilizing various “routes of administration” require the NP to participate in ongoing training and/or continuing education.

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## **HB 2487: NaP Scope of Practice – Prohibited Activities**

A naturopathic physician “shall not:

1. Prescribe, dispense, or administer any controlled substance or device...unless otherwise authorized herein;”
2. Perform major surgical procedures...
3. “Practice or claim to practice as a medical doctor, osteopath...or any other health care professional...unless licensed by the Commonwealth as such;
4. Use general or spinal anesthetics;
5. Administer ionizing radioactive substances for therapeutic purposes;
6. Perform surgical procedures using a laser device;
7. Perform surgical procedures involving the eye, ear, tendons, nerves, veins, or arteries extending beyond superficial tissue;
8. Perform chiropractic adjustments or musculoskeletal manipulation;
9. Perform acupuncture...or
10. Perform midwifery or birthing services for obstetrical patients unless deemed a medical emergency.”

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